

Section by Section Analysis of Manager's Amendment to H.R.4546
September 29, 2004
Subcommittee on Environment, Technology and Standards Markup of H.R. 4546

Section 1. Short Title.

The short title of this Act is the "National Oceanic and Atmospheric Administration Act." In this section, the manager's amendment makes no changes from the bill as introduced.

Section 2. Definitions.

This section defines terms used in the Act. In this section, the manager's amendment makes no changes from the bill as introduced.

Section 3. National Oceanic and Atmospheric Administration.

This section establishes the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce and describes the mission and functions of NOAA. In this section, the manager's amendment makes only minor technical changes from the bill as introduced.

Section 4. Administration Leadership.

This section describes the leadership structure of NOAA, including a new position of a Deputy Assistant Secretary (DAS) for Science and Technology, who shall be responsible for coordinating and managing all research activities across the agency, and must be a career position. The manager's amendment adds responsibility for education and outreach to the DAS for Science and Technology. Also, the manager's amendment adds the title of "Chief Operating Officer" to the Deputy Undersecretary for Oceans and Atmosphere and makes that person responsible for the day-to-day aspects of the Administration's operations and management.

Section 5. National Weather Service.

This section directs the Secretary of Commerce to maintain a National Weather Service (NWS) within NOAA. In this section, the manager's amendment makes only minor technical changes from the bill as introduced.

Section 6. Operations and Services.

This section directs the Secretary to maintain programs within NOAA to support operational and service functions. These functions would include all the activities of NOAA's National Environmental Satellite Data and Information Service (NESDIS) and the mapping and charting activities of the National Ocean Service. In this section, the manager's amendment makes only minor technical changes from the bill as introduced.

Section 7. Research and Education.

This section directs the Secretary to maintain programs within NOAA to conduct and support research and education functions. In this section, the manager's amendment makes only minor technical changes from the bill as introduced.

Section 8. Resource Management.

This section directs the Secretary to maintain resource management programs within NOAA to support management, conservation, protection and restoration of coastal, ocean and Great Lakes

resources. The manager's amendment adds this section to the bill as introduced. This section was not part of the bill as introduced because, while NOAA currently has these responsibilities, jurisdiction of these issues lies with the House Resources Committee.

Section 9. Science Advisory Board.

This section establishes a Science Advisory Board for NOAA, which would provide scientific advice to the Administrator and to Congress on issues affecting NOAA. In this section, the manager's amendment makes only minor technical changes from the bill as introduced.

Section 10. Reports.

This section requires two reports from the Secretary. Each report is to be delivered to Congress within one year of the date of enactment of the Act. One report should assess the adequacy of the environmental data and information systems of NOAA and provide a strategic plan to address any deficiencies in those systems. The other report must provide a strategic plan for research at NOAA. The manager's amendment adds a requirement that the National Academy of Sciences (NAS) review each report prior to delivery to Congress and extends the deadline by six months to allow time for the NAS review. Other changes to this section reflected in the manager's amendment are technical clarifications.

Section 11. Effect of Reorganization Plan.

This section repeals the Executive Order that established NOAA in 1970. In this section, the manager's amendment makes no changes from the bill as introduced.

Section 12. Savings Provision.

This section provides that all rules and regulations, and other technical legal topics that were previously assigned to the Administration, remain in effect under this Act. The manager's amendment adds this section to the bill as introduced.

Section 13. Transition.

This section makes the effective date of the Act two years after the date of enactment and requires NOAA to reorganize around the themes outlined in sections five through eight. The manager's amendment adds this section to the bill as introduced.

Section 14. Scientific Review Prior to Closure of an Administration Laboratory or Institute.

This section provides that NOAA cannot expend funds to close or transfer a laboratory or research institute without 60 days notification to Congress and review by the Science Advisory Board. The manager's amendment adds this section to the bill as introduced.